

Notice of Allowability

Application No.

10/602,329

Examiner

Frederick C. Nicolas

Applicant(s)

BIRTCHE ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 4/26/2006.
2. ☒ The allowed claim(s) is/are 1-3,6-9,11,12,14-16 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/5/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. Geoffrey L. Chase on 7/5/2006.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 2, "chemicals capable of" has been deleted and --chemical being-- has been inserted; line 7, "capable of" has been deleted; line 8, "capable of" has been deleted; line 9, "can be" has been deleted; line 10, "capable of" has been deleted; line 11, before "liquid", --the-- has been inserted.

Claim 2, line 1, "capable of" has been deleted; line 2, "capable of" has been deleted.

Claim 3, line 2, "capable of" has been deleted.

Claim 6, line 1, "claim 5" has been deleted and --claim 1-- has been inserted.

Claim 14, line 2, "chemicals capable of" has been deleted and --chemical being-- has been inserted; line 8, "capable of" first occurrence, has been deleted; line 8, "capable of" second occurrence, has been deleted; lines 9-10, "can be" has been deleted; line 11, "capable of" has been deleted; line 12, before "liquid", --the-- has been inserted.

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Claim 20, line 2, "chemicals capable of" has been deleted and --chemical being-- has been inserted; line 5, before "liquid", --the-- has been inserted; line 7, "capable of" has been deleted; line 8, "capable of" has been deleted; line 9, "can be" has been deleted; line 10, "capable of" has been deleted; line 11, before "liquid", --the-- has been inserted.

Allowable Subject Matter

2. Claims 1-3,6-9,11-12,14-16,20 are allowed.
3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a transportable container for high purity, high cost, liquid chemical in combination with the other claimed limitations of claims 1,14 and 20:

"the diptube and the level sensor being more proximate to one another at their terminal ends than their ends adjacent the top surface."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fair 4,979,545, Jursich et al. 6,543,493, Siegele et al. 6,629,627, Zorich et al. 6,913,029, Strubel 4,828,131 and Tabacs 5,568,882 disclose other types of transportable container for high purity liquid chemicals.


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
July 5, 2006

 7/5/06
Frederick C. Nicolas
Primary Examiner
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